

July 3, 2020

Grace Lee Chang  
Wayne Strumpfer  
The Accelerated Schools  
Via email only per agreement

To whom it may concern:

I am writing to you to demand that The Accelerated Schools (“TAS”) cease and desist from violating the Brown Act as described below and to request that, in order to avoid costly and unnecessary litigation, you respond per the Brown Act [at California Government Code §54960.2](#) with an unconditional commitment to so cease and desist.<sup>1</sup>

## 1 Background

1. Charter schools in California are private entities made subject to the Brown Act by state law and, for those authorised by the Los Angeles Unified School District, by the terms of their charter. See the California Education Code [at §47604.1\(b\)\(1\)](#).

## 2 Violation of the Brown Act in relation to the June 16, 2020 TAS Finance Committee meeting

### 2.1 The facts

2. Pursuant to the Brown Act [at §54954.1](#) both Hilda Guzman and I requested that TAS notify us of 2020 meetings subject to the Brown Act and send copies of agendas and board packets.
3. Neither Hilda Guzman nor I received either notice, agenda, or packet for TAS’s June 16, 2020 meeting of its Finance Committee.
4. In response to my inquiry TAS’s attorney, Wayne Strumpfer, told me that TAS was not required to notify the public of committee meetings nor to provide copies of their agendas to members of the public who requested them.

### 2.2 The law

5. The Brown Act [at §54954.1](#) states that “[a]ny person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person.”
6. The Brown Act [at §54952\(b\)](#) defines the term “legislative body” to include:

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<sup>1</sup> Please note that all citations to the Brown Act in this document are to the California Government Code.

A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body ... [including] standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction ...

7. In addition, see [Preven v. City of Los Angeles \(2019\) 32 Cal.App.5th 925, 936 \[244 Cal.Rptr.3d 364\]](#) on the applicability of the Brown Act to committees.

## 2.3 Conclusion

8. TAS's Finance Committee, being a "standing committee" with "a continuing subject matter jurisdiction," is a legislative body within the meaning of the Brown Act.
9. The Finance Committee, being a legislative body, is covered by the Brown Act at §54954.1.
10. TAS violated the Brown Act by failing to mail the agenda to me and to Hilda Guzman.

## 3 The harm done

11. This violation is not just incidental, technical, nor harmless. Rather, it implicates fundamental constitutional rights that the people of California have reserved to themselves. The Brown Act [at §54950](#) states:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

12. By refusing to mail committee agendas to members of the public who request them TAS fundamentally undermines the ability of the people of California to retain control over TAS.

## 4 Demand for relief

13. The Accelerated School's failure to comply with the requirements of the Brown Act constitute a grave betrayal of both fundamental and consequential principles of our government. It is therefore in the best interest of all concerned that the school not

only cease and desist from such violations in the future but that they make a public commitment to ceasing and desisting.

14. If The Accelerated Schools responds to this demand within 30 days of today's date with a letter expressing an unconditional commitment to cease and desist from all future violations of this type in substantially the form given by the Brown Act [at §54960.2\(c\)](#) I will consider this matter at an end. Please send this letter to me by email at ■■■■■@■■■■■.org and by postal mail at:

M■■■■■■ K■■■■■■

■■■■ W. ■■■ ■■

Los Angeles, CA 900■■■

For the sake of efficiency please either confirm my receipt of this letter or send it in such a way that its arrival is trackable.

15. If The Accelerated Schools refuses to so respond or so responds after 30 days have passed I will instruct my attorneys to proceed to "file an action to determine the applicability of this chapter to [the above-described] past actions" under §54960.2 of the Brown Act. If I prevail in that action the Brown Act [at §54960.5](#) allows for the court to award costs and reasonable attorneys' fees to me.

Thank you for your prompt attention to this important matter,

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